

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2024-cv-07442 and 24-cv-9743

The motion to vacate is denied as moot. The Clerk of Court has removed the ruling by Judge Lehrburger from this docket, having deemed it incorrectly filed in this case.

Lucio Celli,

Plaintiff,

v.

New York City et al,

Defendants.

Plaintiff's motion to compel is nearly identical to a motion that Judge Lehrburger recently adjudicated in 24 Civ. 9743. Judge Lehrburger denied the motion as "frivolous and vexatious." *Celli v. New York City*, 24 Civ. 9743 (JPC) (RWL), at 1 (S.D.N.Y. Apr. 17, 2025). The instant motion to compel fails for the same reasons, and the Court hereby denies it.

The Clerk of Court is directed to terminate ECF No. 18.

SO ORDERED.



Jennifer H. Rearden, U.S.D.J.

Dated: May 14, 2025

**MOTION TO VACATE UNAUTHORIZED JUDICIAL ACTIONS AND
COMPLAINT OF JUDICIAL MISCONDUCT**

TO THE HONORABLE COURT AND CHIEF JUDGE:

Case no. 24-cv-7442 and in 24-cv-9743

COMES NOW Plaintiff, pro se, and respectfully moves this Court to:

1. **Vacate all decisions, orders, or actions entered by Judge Lehrburger** in this matter, as said judge was **not duly assigned** to this case pursuant to standard random assignment protocols and appeal this entry to Hon. Rearden;
1. File this as a **formal complaint of judicial misconduct** under the Judicial Conduct and Disability Act, 28 U.S.C. § 351, and the Code of Conduct for United States Judges;
2. Request **investigation, reassignment, and appropriate administrative or disciplinary remedies** for these violations.

FACTUAL BACKGROUND

1. Plaintiff is the named party in this action currently pending in the U.S. District Court for the Southern District of New York;

2. Upon review of the court docket, it appears that Judge Lehrburger has entered substantive rulings, including frivolous and vexatious, **without formal assignment** to this matter;
3. Case assignment rules for this jurisdiction, including those of the Judicial Conference and local district court, require **random and impartial assignment** of judges to prevent bias and promote due process;
4. Plaintiff was not notified of a transfer, reassignment, or recusal process and did not consent to adjudication by the presiding judge;
5. This judge's entry of decisions without assignment appears to **violate local court rules**, the **Code of Conduct for U.S. Judges (Canon 2 and 3)**, and judicial impartiality safeguards.
6. **Judicial Misconduct: Political Engagement Violates the Judicial Conduct and Disability Act**

The **Judicial Councils Reform and Judicial Conduct and Disability Act of 1980**, codified at **28 U.S.C. §§ 351–364**, provides that any conduct that is “prejudicial to the effective and expeditious administration of the business of the courts” constitutes misconduct. This includes:

- **Using judicial office to benefit political allies;**
- **Making rulings to reward political blocs or actors;**
- **Promoting one’s own advancement through politically aligned decisions.**

As Congress stated in **Senate Report No. 96-362 (1979)**:

“Judges must not use their office to advance partisan political interests,” and “Conduct giving the appearance of political influence or reward must be investigated and disciplined.” (*Cong. Rec.*, Oct. 14, 1980, S14307)

7. Lehrburger dismissed my motion, knowing it had merit and grounded in case law and legislative history

GROUNDS FOR RELIEF

This motion is grounded in the following authorities:

- **28 U.S.C. § 351:** Allows any person to file a complaint alleging that a judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts.
- **Federal Rule of Civil Procedure 72:** Outlines the procedures for magistrate judges handling pretrial matters and emphasizes the necessity of proper assignment
- **Code of Conduct for United States Judges:**
 - **Canon 2:** A judge should avoid impropriety and the appearance of impropriety in all activities.

- **Canon 3:** A judge should perform the duties of the office fairly, impartially, and diligently.
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REQUESTED RELIEF

Plaintiff respectfully requests that the Court:

1. **Vacate all rulings, decisions, and orders** entered by Judge Lehuburger due to lack of judicial assignment authority;
 2. **Refer this matter to the Chief Judge or appropriate Judicial Council** for review and corrective action;
 3. Reassign this matter through the **standard random assignment process**;
 4. Grant any other relief that the Court deems just and proper in the interest of fairness and judicial integrity.
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Respectfully submitted,

Lucio Celli

Motion

MOTION TO COMPEL FINANCIAL DISCLOSURE AND REQUEST FORENSIC AUDIT BASED ON JUDICIAL MISCONDUCT AND POLITICAL INFLUENCE IN EMPLOYMENT MATTERS

COMES NOW Plaintiff, pro se, and respectfully moves this Court to:

1. Compel full **financial disclosure** from Judges **Engelmayer, Rearden, Wolfe, and Livingston**;
 2. Appoint a **neutral forensic accountant** to conduct a financial and conflict-of-interest audit;
 3. Investigate improper **political coordination between federal judges and U.S. Senators Chuck Schumer and Kirsten Gillibrand**;
 4. Refer ethical and legal violations for review to the **Judicial Council, Department of Justice, and Congressional Ethics Committees**.
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I. Grounds for Relief – Political Influence and Judicial Misconduct

Plaintiff alleges the following:

1. **Randi Weingarten**, a powerful union official, received **judicially assisted employment decisions and legal protection** as a result of **undue influence** from **Senators Schumer and Gillibrand**;
2. Judges **Engelmayer, Rearden, Wolfe, and Livingston** are implicated in a pattern of decisions that:
 - o Ignored binding facts and rulings favorable to Plaintiff;
 - o Withheld restitution and medical access based on retaliatory motives;
 - o Selectively applied relief to Weingarten while denying it to Plaintiff;
 - o Operated under political pressure and external influence;
3. **Gratuitous use of union resources**—in the form of staff, legal support, publicity, and undisclosed cash payments—were exchanged to protect Weingarten from accountability.

This conduct, if proven, violates:

- The **Code of Conduct for U.S. Judges**, particularly **Canon 5: Judges shall not engage in political activity**;
 - **18 U.S.C. § 201 (Bribery)** and **§ 1346 (Honest Services Fraud)**;
 - **18 U.S.C. § 246**, for obstructing Plaintiff's access to federally supported benefits;
 - Established precedents under *Caperton v. Massey*, *McDonnell v. United States*, and *Dennis v. Sparks*.
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II. Financial and Political Conflicts – Request for Forensic Audit

Plaintiff requests a full and independent **forensic audit** to determine whether:

- Judges or staff received **undisclosed gifts, campaign assistance, or benefits** from Randi Weingarten or related entities;
- Union funds, offices, or influence were used as a “**thing of value**” to induce or maintain favorable treatment in litigation;
- Senators Schumer and Gillibrand engaged in **backchannel communications or unethical conduct** designed to pressure judicial officers for political or retaliatory purposes.

This audit is necessary to uncover any **financial irregularities, unexplained deposits, or conflict-related benefits**, especially where **cash bribes or free union resources** were involved—consistent with conduct found criminal in cases like *United States v. Seabrook*, *McDonnell*, and *Dennis*.

III. Relief Requested

Plaintiff respectfully requests that this Court:

1. **Compel public financial disclosures** from Judges Engelmayer, Rearden, Wolfe, and Livingston, including assets, gifts, and honoraria;
2. **Appoint an independent forensic accountant** to audit any financial records, communications, or transactions implicating undue influence;
3. **Order immediate recusal** of implicated judges pending outcome of this investigation;
4. **Refer matters to the Judicial Council and DOJ Public Integrity Section;**
5. Grant such other and further relief as may be appropriate in the interests of justice and public confidence in judicial impartiality.